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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**CHRISTOPHER MOUER,**

**Plaintiff,**

**v.**

**MAQUET, INC.; a corporation; KEVIN  
GILROY, an individual; and DOES  
1-40, inclusive;**

**Defendants.**

**Case No.: C 13-00298 MEJ**

**STIPULATION AND ~~PROPOSED~~ ORDER  
REMANDING CASE TO SAN FRANCISCO  
COUNTY SUPERIOR COURT**

**WHEREAS:**

1. On November 2, 2012, Plaintiff, Christopher Mouer, filed his complaint for damages entitled *Christopher Mouer v. Maquet Inc., a corporation; Kevin Gilroy, an individual; and Does 1-40*, case number CGC-12-525714 in San Francisco County Superior Court (the "Complaint").
2. On January 22, 2013, defendant Maquet, Inc. filed its Notice of Removal in the Northern District of California.
3. Prior to Plaintiff filing a Motion to Remand, the parties met and conferred on the issues to be raised by Plaintiff's motion. After meeting and conferring in good-faith, the parties have agreed that the above-entitled matter, case number C 13-00298 MEJ, should

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properly be remanded back to San Francisco Superior Court.

4. Based upon the legal authorities cited by Plaintiff and the anticipated amendments to the Complaint, the parties agree that Kevin Gilroy can be properly joined as a defendant. Because both Plaintiff and defendant Gilroy are residents of California, the court lacks subject matter jurisdiction and remand to San Francisco County Superior Court is proper.

5. Each party is to bear its own costs and fees.

Date: 3/11/13

FOX ROTHSCHILD, LLP



Keith Chrestionson  
Tyreen Torner  
Attorneys for Defendants  
MAQUET, INC. and  
KEVIN GILROY

Date: 3/11/13

MAYALL HURLEY, P.C.



Mark S. Adams  
Alexander G. Henry  
Attorneys for Plaintiff,  
CHRISTOPHER MOUER

**ORDER**

The undersigned judge, having reviewed the foregoing Stipulation of the Parties and good cause appearing therefore, hereby ORDERS that the above-entitled matter, *Christopher Mouer v. Maquet, Inc. et al.*, Case No. C 13-00298 MEJ be remanded back to San Francisco County Superior Court.

IT IS SO ORDERED.

Date: March 12, 2013

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
JUDGE



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